

S/N 10/526,049

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: SODE et al. Serial No.: 10/526,049
Filed: February 28, 2005 Docket No.: 10921.0287USWO
Title: PROCESS FOR PRODUCING GLUCOSE DEHYDROGENASES

CERTIFICATE UNDER 37 CFR 1.10

Express Mail mailing label number: EV 648466393 US

Date of Deposit: November 2, 2006

I hereby certify that the papers listed below are being deposited with the United States Postal Service Express Mail Post Office to Addressee service under 37 CFR 1.10 in an envelope addressed to: Mail Stop Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: 

Name: Abbie Larkin

COMMUNICATION REGARDING SUBMISSION OF
VERIFICATION OF TRANSLATION

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Legal Staff
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Mail Stop: PCT
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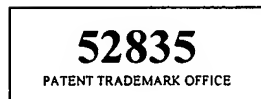
Dear Commissioner:

Applicants hereby enclose the requested Verification Pursuant to 37 CFR 1.69(b) along with a copy of the originally submitted Combined Declaration and Power of Attorney. A copy of the DECISION dated October 5, 2006, is also enclosed for the Examiner's reference.

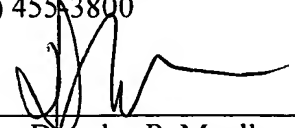
If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicants' primary attorney-of record, Douglas P. Mueller (Reg. No. 30,300), at (612)455.3804.

Respectfully submitted,

HAMRE, SCHUMANN, MUELLER &
LARSON, P.C.
P.O. Box 2902
Minneapolis, MN 55402-0902
(612) 455-3800



Dated: November 2, 2006

By: 
Douglas P. Mueller
Reg. No. 30,300
DPM/acp

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: SODE et al. Confirmation No.: 9150
Serial No.: 10/526,049 Docket: 10921.0287USWO
Filed: February 28, 2005
Title: PROCESS FOR PRODUCING GLUCOSE DEHYDROGENASES

CERTIFICATE UNDER 37 CFR 1.10

Express Mail mailing label number: EV 648466393 US
Date of Deposit: November 2, 2006

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By: 
Name: Abbie Larkin

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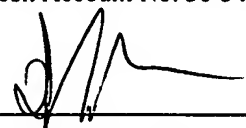
Commissioner:

The following papers are transmitted herewith:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Communication regarding Submission of Verification of Translation
- ☒ Verification Pursuant to 37 CFR 1.69(b), Combined Declaration and Power of Attorney
- ☒ copy of DECISION mailed on October 5, 2006
- ☒ Return Postcard

Please charge any additional fees or credit overpayment to Deposit Account No. **50-3478**. A duplicate of this sheet is enclosed.

Hamre, Schumann, Mueller & Larson, P.C.
P.O. Box 2902 Minneapolis, MN 55402-0902
612.455-3800

By: 
Name: Douglas P. Mueller
Reg. No.: 30,300
Initials: DPM/acp

05 OCT 2006



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Commissioner for Patents
United States Patent and Trademark Office
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HAMRE, SCHUMANN, MUELLER & LARSON, P.C.
P.O. BOX 2902
MINNEAPOLIS MN 55402-0902

In re Application of
SODE et al.

Application No.: 10/526,049

PCT No.: PCT/JP2003/010541

Int. Filing Date: 20 August 2003

Priority Date: 30 August 2002

Attorney Docket No.: 10921.0287USWO

For: PROCESS FOR PRODUCING

GLUCOSE DEHYDROGENASES

DECISION

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Legal Staff
International Division

This decision is in response to applicants' "REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT", which has properly been treated as a petition under 37 CFR 1.181, filed in the United States Patent and Trademark Office (USPTO) on 21 August 2006. No petition fee is required.

BACKGROUND

On 20 August 2003, applicants filed international application PCT/JP2003/010541, which designated the United States and claimed a priority date of 30 August 2002. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 11 March 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 28 February 2005.

On 28 February 2005, applicants filed, *inter alia*, a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and an unexecuted declaration of inventors.

On 13 September 2005, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) were required. The Notification set a two-month extendable period for reply.

On 21 July 2006, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DE/EO/909) indicating that the application was abandoned as to the United States of America for failure to reply to the NOTIFICATION OF MISSING REQUIREMENTS mailed 13 September 2005.

On 21 August 2006, applicants filed the instant "REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT". The petition was accompanied by, *inter alia*, a copy of a "COMMUNICATION REGARDING MISSING REQUIREMENTS", a copy of a declaration of inventors, and a copy of an "Auto-Reply Facsimile Transmission" from the USPTO dated 28 September 2005.

DISCUSSION

Applicants have provided sufficient evidence to establish that on 28 September 2005 applicants filed a declaration of the inventors. The proof is in the form of the copy of the "Auto-Reply Facsimile Transmission" which bears a date of 28 September 2005 and which itemizes an "Executed Combined Declaration and Power of Attorney" and identifies the above-captioned application number and docket number. Further, practitioner states that the copy of the declaration filed 21 August 2006 is a copy of the declaration originally filed 28 September 2005. Therefore, in view of the "Auto-Reply Facsimile Transmission" and practitioner's statement, the declaration received on 21 August 2006 may properly be accepted as originally received in the USPTO on 28 September 2005. The NOTIFICATION OF ABANDONMENT mailed 21 July 2006 is hereby vacated.

Declaration of Inventors

The declaration of inventors filed 28 September 2005 is not in compliance with 37 CFR 1.69(b); specifically applicants have not used one of the pre-approved foreign language forms nor have applicants furnished the requisite statement attesting to the accuracy of the translation.

The surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage has been charged to Deposit Account 50-3478.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **GRANTED**.

For the reasons set forth above, the NOTIFICATION OF ABANDONMENT mailed 21 July 2006 is **VACATED**.

Since the reply filed 28 September 2005 appears to have been bona fide, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to provide a pre-approved foreign language declaration in compliance with 37 CFR 1.497(a)-(b) or the requisite statement under 37 CFR 1.69(b) that the translation is accurate. Failure to timely file a proper reply will result in abandonment of the application.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria,

Application No.: 10/526,049

-3-

Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Daniel Stemmer

Legal Examiner

PCT Legal Affairs

Office of Patent Cooperation Treaty

Legal Administration

Telephone: (571) 272-3301

Facsimile: (571) 273-0459

S/N 10/526049

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	SODE et al.	Examiner:	UNKNOWN
Serial No.:	10/526049	Group Art Unit:	UNKNOWN
Filed:	February 28, 2005	Docket No.:	10921.0287USWO
Title:	PROCESS FOR PRODUCING GLUCOSE DEHYDROGENASES		

Verification Pursuant to 37 CFR 1.69(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

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3 NOV 2005
Legal Staff
International Division

I, Tatsuya TANAKA, hereby declare:

that I am well-acquainted with the Japanese and English languages;

that I have reviewed the English and Japanese texts appearing on the copy of the document entitled Declaration and Power of Attorney for Patent Application that is attached hereto; and

that the English text represents an accurate translation of the Japanese text, and the Japanese text represents an accurate translation of the English text.

I further declare under the penalty of perjury of the laws of the United States of America that the foregoing is true and correct to the best of my information and belief.

Respectfully submitted,

Dated: October 26, 2006
At Osaka, Japan

By: T. Tanaka
Tatsuya TANAKA

Declaration and Power of Attorney For Patent Application

特許出願宣言書

Japanese Language Declaration

私は、下欄に氏名を記載した発明者として、以下のとおり宣言する：

私の住所、郵便の宛先および国籍は、下欄に氏名に続いて記載したとおりであり、

名称の発明に関し、請求の範囲に記載した特許を求める主題の本来の、最初にして唯一の発明者である(一人の氏名のみが下欄に記載されている場合)か、もしくは本来の、最初にして共同の発明者である(複数の氏名が下欄に記載されている場合)と信じ、

その明細書を
(該当する方に印を付す)

☐ここに添付する。

☐ _____ 日に出願番号
第 _____ 号として提出し、
_____ 日に補正した。
(該当する場合)

☐ _____ 日にPCT国際出願番号
第 _____ 号として提出し、
PCT第 19 条に基づき _____ 日に補正した。
(該当する場合)

私は、前記のとおり補正した請求の範囲を含む前記明細書の内容を検討し、理解したことを陳述する。

私は、連邦規則法典第 37 部第 1 章第 56 条(a)項に従い、本願の審査に所要の情報を開示すべき義務を有することを認める。

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

PROCESS FOR PRODUCING GLUCOSE
DEHYDROGENASES

the specification of which
(check one)

☐ is attached hereto.

☐ was filed on _____ as
Application Serial No. _____
and was amended on _____
(if applicable)

☒ was described and claimed in PCT international
application No. PCT/JP2003/010541

filed on August 20, 2003
and as amended under PCT Article 19 or 34
on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a)

Japanese Language Declaration

私は、合衆国法典第35部第119条(a)-(d)項または第365条(a)-(b)項にもとづく下記の外国特許出願または発明者証出願または少なくとも1つの合衆国以外の国を指定したPCT国際出願の外国優先権利益を主張し、さらに優先権の主張に係わる基礎出願の出願日前の出願日を有する外国特許出願または発明者証出願またはPCT国際出願を以下に明記する:

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(a)-(b) of any foreign application(s) for patent or inventor's certificate, or of any PCT international application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate or PCT international application having a filing date before that of the application on which priority is claimed:

Prior foreign applications

先の外国出願

(Number) (番号)	(Country) (国名)	(Day/Month/Year Filed) (出願の年月日)
Patent Application No. 2002-253752	Japan	30/08/2002

(Number) (番号)	(Country) (国名)	(Day/Month/Year Filed) (出願の年月日)
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(Number) (番号)	(Country) (国名)	(Day/Month/Year Filed) (出願の年月日)
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(Number) (番号)	(Country) (国名)	(Day/Month/Year Filed) (出願の年月日)
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(Number) (番号)	(Country) (国名)	(Day/Month/Year Filed) (出願の年月日)
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Priority claimed

優先権の主張

<input checked="" type="checkbox"/>	<input type="checkbox"/>
Yes あり	No なし

<input type="checkbox"/>	<input type="checkbox"/>
Yes あり	No なし

<input type="checkbox"/>	<input type="checkbox"/>
Yes あり	No なし

<input type="checkbox"/>	<input type="checkbox"/>
Yes あり	No なし

<input type="checkbox"/>	<input type="checkbox"/>
Yes あり	No なし

私は、合衆国法典第35部第120条にもとづく下記の合衆国特許出願の利益または第365条(c)項にもとづく合衆国を指定するPCT国際出願の利益を主張し、本願の請求の範囲各項に記載の主題が合衆国法典第35部112条第1項に規定の態様で先の合衆国出願に開示されていない限度において、先の出願の出願日と本願の国内出願日またはPCT国際出願日の間に公表された連邦規則法典第37部第1章第56条(a)項に記載の所要の情報を開示すべき義務を有することを認める:

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.) (出願番号)	(Filing Date) (出願日)	(現況) (特許済み、係属中、放棄済み)	(Status) (patented, pending, abandoned)
(Application Serial No.) (出願番号)	(Filing Date) (出願日)	(現況) (特許済み、係属中、放棄済み)	(Status) (patented, pending, abandoned)

Japanese Language Declaration

私は、ここに自己の知識にもとづいて行った陳述がすべて真実であり、自己の有する情報および信ずるところに従って行った陳述が真実であると信じ、さらに故意に虚偽の陳述等を行った場合、合衆国法典第 18 部第 1001 条により、罰金もしくは禁固に処せられるか、またはこれらの刑が併科され、またかかる故意による虚偽の陳述が本願ないし本願に対して付与される特許の有効性を損なうことがあることを認識して、以上の陳述を行ったことを宣言する。

委任状：私は、下記発明者として、以下の代理人をここに選任し、本願の手続きを遂行すること並びにこれに関する一切の行為の特許商標庁に対して行うことを委任する。(代理人氏名および登録番号を明記のこと)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

All of the attorneys and patent agents associated with Customer Number 52835

書類の送付先：

Hamre, Shumann, Mueller & Larson, P.C.
P. O. Box 2902-0902
Minneapolis, MN 55402

Send Correspondence to:

Hamre, Shumann, Mueller & Larson, P.C.
P O. Box 2902-0902
Minneapolis, MN 55402

直通電話連絡先：(電話番号)

Telephone: 612/455-3800

Direct Telephone Calls to: (telephone number)

Telephone: 612/455-3800

唯一のまたは第一の発明者の氏名	Full name of sole or first inventor Koji Sode	
同発明者の署名 日付	Inventor's signature <i>Koji Sode</i>	Date May 25, 2005
住所	Residence Tokyo, Japan	
国籍	Citizenship Japan	
郵便の宛先	Post Office Address 1-13-16, Minami Meguro-ku, Tokyo 152-0013 Japan	

第2の共同発明者の氏名(該当する場合)	Full name of second joint inventor, if any Hideaki Yamaoka	
同第2発明者の署名 日付	Second Inventor's signature <i>Hideaki Yamaoka</i>	Date May 24, 2005
住所	Residence c/o ARKRAY, Inc. Kyoto, Japan	
国籍	Citizenship Japan	
郵便の宛先	Post Office Address c/o ARKRAY, Inc. 57, Nishiaketa-cho, Higashikujo, Minami-ku, Kyoto-shi, Kyoto 601-8045 Japan	

第3の共同発明者の氏名(該当する場合)	Full name of third joint inventor, if any Mitsuhiro Hoshijima	
同第3発明者の署名 日付	Third Inventor's signature <i>Mitsuhiro Hoshijima</i>	Date May 24, 2005
住所	Residence c/o ARKRAY, Inc. Kyoto, Japan	
国籍	Citizenship Japan	
郵便の宛先	Post Office Address c/o ARKRAY, Inc. 57, Nishiaketa-cho, Higashikujo, Minami-ku, Kyoto-shi, Kyoto 601-8045 Japan	

第4の共同発明者の氏名(該当する場合)	Full name of fourth joint inventor, if any Keisuke Kurosaka	
同第4発明者の署名 日付	Fourth Inventor's signature <i>Keisuke Kurosaka</i>	Date May 24, 2005
住所	Residence c/o UNITIKA CENTRAL RESEARCH LABORATORIES, Kyoto, Japan	
国籍	Citizenship Japan	
郵便の宛先	Post Office Address c/o UNITIKA CENTRAL RESEARCH LABORATORIES 23, Uji-Kozakura, Uji-shi, Kyoto 611-0021 Japan	

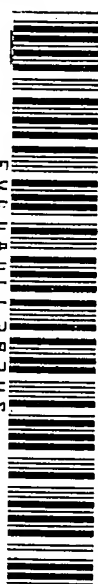
第5の共同発明者の氏名(該当する場合)	Full name of fifth joint inventor, if any Shido Kawase	
同第5発明者の署名 日付	Fifth Inventor's signature <i>Shido Kawase</i>	Date May 24, 2005
住所	Residence c/o UNITIKA CENTRAL RESEARCH LABORATORIES, Kyoto, Japan	
国籍	Citizenship Japan	
郵便の宛先	Post Office Address c/o UNITIKA CENTRAL RESEARCH LABORATORIES 23, Uji-Kozakura, Uji-shi, Kyoto 611-0021 Japan	

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